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United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

JUAN BANDA,
ARTHUR GARCIA

Defendants.

CASE NO. 1:23-CR-00106-ADA-BAM

STIPULATION TO CONTINUE STATUS
CONFERENCE

IT IS HEREBY STIPULATED by and between Phillip A. Talbert, United States Attorney and Robert L. Veneman-Hughes, Special Assistant U.S. Attorney and Griffes Estes, attorney for defendant Juan BANDA and Darryl Young, attorney for defendant Arthur GARCIA, that the status conference set for August 9, 2023 at 1:00 pm before the Honorable Barbara A. McAuliffe be continued to September 27, 2023 at 1:00 p.m.

STIPULATION

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through defendant's counsel of record, hereby stipulate as follows:

1. The parties need additional time to further investigate/explore matters related to resolving the case or setting a trial date.

2. By this stipulation, defendant now moves to continue the status conference, and to exclude time from August 9, 2023 to September 27, 2023.

3. The parties agree and stipulate, and request that the Court find the following:

a) The government has represented that the discovery associated with this case

1 includes investigative reports, and related documents, photographs, etc., in electronic form. All
2 of this discovery has been either produced directly to counsel and/or made available for
3 inspection and copying. Defense would like additional time to review discovery, and investigate
4 the foundation for a resolution by plea or trial further.

5 b) The government does not object to the continuance.

6 c) An ends-of-justice delay is particularly apt in this case because:

- 7 • Defendant needs additional time to review discovery, and conduct additional
8 investigation; and
- 9 • The parties need additional time to investigate/explore matters related to
10 proceeding via plea or trial.
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12 d) Based on the above-stated findings, the ends of justice served by continuing the
13 case as requested outweigh the interest of the public and the defendant in a trial within the
14 original date prescribed by the Speedy Trial Act.

15 e) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
16 et seq., within which trial must commence, the time period of August 7, 2023 to September 27,
17 2023, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A) and 18 U.S.C.
18 § 3161(h)(7)(B)(iv) because it results from a continuance granted by the Court at defendant's
19 request on the basis of the Court's finding that the ends of justice served by taking such action
20 outweigh the best interest of the public and the defendant in a speedy trial.

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4. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

Dated: July 27, 2023

Respectfully submitted,

PHILLIP A. TALBERT
United States Attorney

By /s/ Robert L. Veneman-Hughes
ROBERT L. VENEMAN-HUGHES
Special Assistant U.S. Attorney

Dated: July 27, 2023

/s/ Griffin Estes
GRIFFIN ESTES
Attorney for Defendant Juan BANDA

Dated: July 27, 2023

/s/ Darryl Young
DARRYL YOUNG
Attorney for Defendant Arthur GARCIA

ORDER

IT IS SO ORDERED that the status conference is continued from August 9, 2023, to **September 27, 2023, at 1:00 p.m. before Magistrate Judge Barbara A. McAuliffe**. Time is excluded pursuant to 18 U.S.C. § 3161(h)(7)(A) and 18 U.S.C. § 3161(h)(7)(B)(iv).

IT IS SO ORDERED.

Dated: July 27, 2023

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE